

REMARKS

This amendment is being filed together with a Request for Continued Examination. The claims have been amended without introducing any new matter, as explained below.

Claims Rejected Under 35 U.S.C. §112

Claims 1, 4, 8, 9 and 10 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite, in particular with respect to the different instances of “the non-volatile data storage device”. To obviate this issue, all affected claims have been amended here to clarify the distinction between the first and second non-volatile data storage devices, where the first device is to store the CMOS BIOS data. The amendments are thus designed to clarify and not narrow the scope of any claims. The only narrowing amendment in this case is to claim 1 in which the mirror image of the CMOS BOIS data is indicated as being stored *in a location that cannot be modified without system authorization*. This limitation has been incorporated from claim 5 which has been canceled. Accordingly, reconsideration and withdrawal of the indefiniteness rejection is requested.

Claims Rejected Under 35 U.S.C. §103

Claims 1-8, 10-12, 15-22, and 26-28 stand rejected as being obvious over U.S. Patent No. 6,651,188 issued to Harding, et al. (“Harding”) in view of U.S. Patent No. 5,918,014 issued to Leavitt, et al. (“Leavitt”). Applicants respectfully disagree with the rejection, and further submit that Harding should be removed as prior art under 35 U.S.C. §103(c). According to that section of the statute, subject matter developed by another person which qualifies as prior art only under one or more of subsections (e), (f) and (g) of 35 U.S.C. §102 shall not preclude patentability where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. Indeed, given its priority date, Harding can only be prior art under §102(e). Also, the undersigned can attest to the fact that both Harding and this patent application were, at the time of the filing of this patent application, assigned to the same entity, namely Intel

Corp. For this application, see the recorded Assignment at reel / frame 012529 / 0267, and for Harding, see reel / frame 012127 / 0369.

In view of the foregoing, reconsideration and withdrawal of the art rejection in view of Harding is respectfully requested.

Any dependent claims not mentioned above are submitted as not being anticipated or obvious for at least the reasons given above in support of their base claims.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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Dated: November 2, 2006.

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on November 2, 2006.


Margalux Rodriguez November 2, 2006